IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.11185 of 1996

Dated: 15-06-2007

Between:

Bathula Vanamali, s/o Rajaiah,
r/o Polepalli village, Khammam Rural Mandal,
Khammam District.

... Petitioner

and

1. The Government of Andhra Pradesh,
   rep. by its Secretary, Revenue Department,
   A.P. Secretariat, Hyderabad and 5 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioner states that he is a freedom fighter and political sufferer and he occupied the lands in Sy.Nos.162 and 197 and also 'Matruka' land, totalling to an extent of Acs.10-00 situated at Polepalli village, Khammam Rural Mandal and District and continued to be in possession of the said lands. However, it appears he was

dispossessed from out of the said lands some time in the year 1982 and then he approached this Court and filed W.P.No.12693 of 1994 stating that the said dispossession is not correct, as he gave applications requesting the authorities for grant of assignment. The said writ petition was disposed of on 06-09-1994 with a direction to the District Collector, Khammam to conduct an enquiry as to the actual possession of the lands as on 20-02-1994. Against the said order, petitioner preferred W.A.No.114 of 1995 and the said appeal was disposed of on 28-02-1995 maintaining *status quo* as on 16-12-1994 till the completion of enquiry as directed in W.P.No.12693 of 1994. Pursuant to the said judgments, third respondent – District Collector held an enquiry and passed an order on 01-03-1996 stating that as indicated by this Court in the order dated 06-09-1994, petitioner cannot be given possession of the lands in question, as he was not in possession, as on 20-02-1994. The said order is questioned in this writ petition.

3. May be it is true that petitioner is a freedom fighter and political sufferer but it does not mean that he can enter into any land of his choice so that he is entitled to have rights over the said land and hence,
the orders passed by the District Collector in my considered view is perfectly justified. However, taking the over all circumstances that petitioner is a freedom fighter and political sufferer, the authorities are hereby directed to consider his case afresh for assignment.

4. In that view of the matter, I deem it appropriate to dispose of the writ petition with a direction to petitioner to submit an application to the District Collector within a period of four weeks from the date of receipt of a copy of this order and on filing such application, the District

Collector is directed to consider the same and pass appropriate orders.

5. Accordingly, the writ petition is disposed of. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.15-06-2007
GLV